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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2012-498

**BARBARA FAYE BUSH
P.O. Box 508
Winton, OK 74561
Registered Nurse License No. 609582**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about February 23, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-498 against Barbara Faye Bush ("Respondent") before the Board of Registered Nursing.

2. On or about November 20, 2002, the Board of Registered Nursing ("Board") issued Registered Nurse License No. 609582 to Respondent. The Registered Nurse License expired on June 30, 2006, and has not been renewed.

3. On or about February 23, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-498, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of

1 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.

2 Respondent's address on record with the Board was and is:

3 **P.O. Box 508**
4 **Wuinton, OK 74561.**

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

7 5. On or about March 9, 2012, the aforementioned documents served via Certified Mail
8 were returned by the U.S. Postal Service as undeliverable because the forwarding time has
9 expired. On or about March 6, 2012, the aforementioned documents served via First Class Mail
10 were returned by the U.S. Postal Service as undeliverable because the forwarding time has
11 expired.

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
20 498.

21 8. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions
24 or upon other evidence and affidavits may be used as evidence without any notice to
25 respondent.

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 2012-498, finds

1 that the charges and allegations in Accusation No. 2012-498, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$570.00 as of March 19, 2012.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Barbara Faye Bush has subjected
8 her Registered Nurse License No. 609582 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default. Pursuant to Business
10 and Professions Code sections 118, 2764, and 2811, subdivision (b), in conjunction with
11 California Code of Regulations title 16, section 1419.3, any lapse in Respondent's licensure does
12 not deprive the Board of jurisdiction to take disciplinary action against Respondent's license.

13 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
14 Nurse License based upon the following violations alleged in the Accusation which are supported
15 by the evidence contained in the Default Decision Evidence Packet in this case.:

16 a. **Disciplinary Action by the Oklahoma Board of Nursing.** Respondent is
17 subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of
18 unprofessional conduct in that Respondent's registered nurse license was disciplined by the
19 Oklahoma Board of Nursing ("Oklahoma Board"). On or about March 26, 2008, pursuant to the
20 Consent Order issued by the Oklahoma Board, in the disciplinary action entitled *In the Matter of*
21 *Barbara Faye Monks Gwaltney Bush, R. N. License No. R0053630*, the Oklahoma Board
22 continued to suspend the Respondent's registered nurse license until such time that Respondent
23 provided documentation of Respondent's acceptance into the Peer Assistance Program. The basis
24 for the discipline is that on or about March 5, 2007 through May 26, 2007, while employed at
25 Integris Baptist Medical Center in Oklahoma City, Oklahoma, Respondent withdrew
26 approximately one-hundred and ninety nine doses of Demerol, fifty five doses of Dilaudid, and
27 seven doses of Oxycodone, all controlled and dangerous drugs and;
28

1 i. Practiced beyond the scope of a registered nurse by obtaining the drugs
2 for her assigned patients more frequently than ordered by the treating physician;

3 ii. Failed to consistently administer and/or document the administration of
4 the drugs to the patients in her care and to describe the need and/or effectiveness of the drugs in
5 relieving pain; and /or

6 iii. Failed to record the waste and obtain a witness to the waste.

7 **b. Unprofessional Conduct.** Respondent is subject to disciplinary action under
8 Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct.
9 The conduct is more particularly described in paragraph 3, subparagraphs (a)(i-iii), inclusive,
10 above, and herein incorporated by reference.

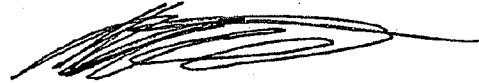
ORDER

IT IS SO ORDERED that Registered Nurse License No. 609582, heretofore issued to Respondent Barbara Faye Bush, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 27, 2012.

It is so ORDERED June 28, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51084412.DOC
DOJ Matter ID: LA2012506154

Exhibit A

Accusation Case No. 2012-498

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2 KAREN B. CHAPPELLE
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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-498**

11 **BARBARA FAYE BUSH, AKA BARBARA**
12 **FAYE MONKS GWALTNEY BUSH**
13 **P.O. Box 508**
Wuinton, OK 74561
14 **Registered Nurse License No. 609582**

ACCUSATION

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

- 18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing.
20 2. On or about November 20, 2002, the Board of Registered Nursing issued Registered
21 Nurse License Number 609582 to Barbara Faye Bush, aka Barbara Faye Monks Gwaltney Bush
22 ("Respondent"). The Registered Nurse License expired on June 30, 2006, and has not been
23 renewed.

24 **JURISDICTION**

- 25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.
28

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the licensee.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action ...”

8. Section 2811, subdivision (b) of the Code provides:

“Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant

pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.”

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Oklahoma Board of Nursing)

10. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent’s registered nurse license was disciplined by the Oklahoma Board of Nursing (“Oklahoma Board”) as follows:

11. On or about March 26, 2008, pursuant to the Consent Order issued by the Oklahoma Board, in the disciplinary action entitled *In the Matter of Barbara Faye Monks Gwaltney Bush, R. N. License No. R0053630*, the Oklahoma Board continued to suspend the Respondent’s registered nurse license until such time that Respondent provided documentation of Respondent’s acceptance into the Peer Assistance Program. The basis for the discipline is that on or about March 5, 2007 through May 26, 2007, while employed at Integris Baptist Medical Center in Oklahoma City, Oklahoma, Respondent withdrew approximately one-hundred and ninety nine doses of Demerol, fifty five doses of Dilaudid, and seven doses of Oxycodone, all controlled and dangerous drugs and;

- a. Practiced beyond the scope of a registered nurse by obtaining the drugs for her assigned patients more frequently than ordered by the treating physician;
- b. Failed to consistently administer and/or document the administration of the drugs to the patients in her care and to describe the need and/or effectiveness of the drugs in relieving pain; and /or
- c. Failed to record the waste and obtain a witness to the waste.

///

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 12. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
5 particularly described in paragraph 11, subparagraphs (a) through (c), inclusive, above, and herein
6 incorporated by reference.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 609582, issued to Barbara
11 Faye Bush, aka Barbara Faye Monks Gwaltney Bush;
- 12 2. Ordering Barbara Faye Bush, aka Barbara Faye Monks Gwaltney Bush to pay the
13 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
14 case, pursuant to Business and Professions Code section 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.
- 16
17

18 DATED: February 23, 2012

19 Louise R. Bailey
20 LOUISE R. BAILEY, M.ED., RN
21 Interim Executive Officer
22 Board of Registered Nursing
23 State of California
24 Complainant

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